

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Giordano	Team: Team # 3	CCRB Case #: 200708212	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/03/2007 12:30 AM	Location of Incident: Lenox Avenue and West 138th Street	Precinct: 32	18 Mo. SOL 12/3/2008	EO SOL 12/3/2008	
Date/Time CV Reported Mon, 06/04/2007 9:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/11/2007 1:43 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Ehrenreich	26393	932597	032 PCT
2. POM Aaron Thorn	17386	907442	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Craig Jacob	03653	935049	032 PCT
2. POM Joseph Bruno	00684	933658	032 PCT
3. LT Joseph Odea	00000	916337	032 PCT
4. POM Robert Dress	00910	933759	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Ehrenreich	Abuse: PO Daniel Ehrenreich stopped the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.	
B.POM Aaron Thorn	Abuse: PO Aaron Thorn stopped the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.	
C.POM Daniel Ehrenreich	Abuse: PO Daniel Ehrenreich frisked § 87(2)(b)	
D.POM Aaron Thorn	Abuse: PO Aaron Thorn frisked § 87(2)(b)	
E.POM Daniel Ehrenreich	Abuse: PO Daniel Ehrenreich searched the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.	
F.POM Aaron Thorn	Abuse: PO Aaron Thorn searched the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.	
G.POM Daniel Ehrenreich	Abuse: PO Daniel Ehrenreich damaged § 87(2)(b) s property.	

## Synopsis

§ 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) on June 4, 2007, generating IAB log# 07-21414. The complaint was received by the CCRB on June 11, 2007. On June 3, 2007, § 87(2)(b) was in a car with three friends, § 87(2)(b), § 87(2)(b), and § 87(2)(b). An unmarked car flashed their lights to pull the vehicle over (**Allegations A and B**). § 87(2)(b) immediately pulled over and the police car parked right behind him. Four plainclothes officers exited the car. PO Daniel Ehrenreich and PO Aaron Thorn were identified through investigation as the officers who conducted the car stop. One of the officers approached the driver side and asked for § 87(2)(b)'s license and registration. All the passengers were asked to exit the vehicle and provide identification. § 87(2)(b) asked several times why they were pulled over. § 87(2)(b) was frisked on his front and back pants pockets by PO Ehrenreich (**Allegation C**) while § 87(2)(b) was frisked by PO Thorn (**Allegation D**). Two officers then searched the front and back seats inside the car (**Allegations E and F**). The officers did not show them or tell them of anything found in the vehicle upon searching it. § 87(2)(b) again asked why they were stopped. PO Ehrenreich told § 87(2)(b) to shut up and grabbed him by his shirt causing it to rip (**Allegation G**). § 87(2)(b) said, "You ripped my shirt." PO Ehrenreich replied, "That's because you don't know how to shut up." PO Ehrenreich turned § 87(2)(b) around and handcuffed him. § 87(2)(b) was placed face-first against the back passenger side of the car. § 87(2)(b) was handcuffed for approximately 10-15 minutes before being released with a § 87(2)(b) summons. The bottom of the summons with the officer's information was torn off. PO Ehrenreich told § 87(2)(b) "No hard feelings" and left the location.

§ 87(2)(b), § 87(2)(g)

## Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b) year-old, 5' 11, Black male, § 87(2)(b), provided an initial statement to IAB on June 4, 2007 (Enc. 6a-6b) and a phone statement to the CCRB on June 15, 2007 (Enc. 8). § 87(2)(b) provided an official statement to the CCRB on June 20, 2007 (Enc. 9-13). § 87(2)(g)

On June 3, 2007, at approximately 12:30 AM, § 87(2)(b) was in a car with three friends, § 87(2)(b), § 87(2)(b) and § 87(2)(b) identified through investigation as § 87(2)(b), § 87(2)(b) was the driver, § 87(2)(b) was in the front passenger seat, § 87(2)(b) was seated in the back behind § 87(2)(b) and § 87(2)(b) was seated behind the driver. An unmarked, dark-colored car with four officers inside flashed their lights to pull the vehicle over. § 87(2)(b) immediately pulled over and the police car parked directly behind him. PO 1 was described as a white male, 5' 11" tall, with short dark blonde hair, and about 170-185 pounds. PO 1 was identified through investigation as PO Daniel Ehrenreich. PO 2 was described as a Hispanic female, possibly wearing an athletic jersey, 5' 11" tall, and about 135-145 pounds. PO 3 was described as a white male, with the same build as PO 1 and PO 4 was described as an older Black male, weighing about 180-190 pounds. PO 4 was identified through investigation as PO Aaron Thorn. In his phone statement, § 87(2)(b) indicated that there was a third white male officer and no black officers. Either PO Ehrenreich or PO 3 approached the driver side and asked for § 87(2)(b)'s license and registration. He gave his paperwork to the officer without any hesitation. All occupants in the car were asked to step outside and provide identification. § 87(2)(b) indicated that no one resisted exiting the car. § 87(2)(b) was the last person to exit the vehicle. One of the officers approached § 87(2)(b) and told him to "stop moving around." § 87(2)(b) was unsure whether the officer took him out of the car or if § 87(2)(b) exited on his own. All occupants were lined up at the back bumper of the car with their backs facing the vehicle. § 87(2)(b) asked several times why they were pulled over. At this point, after approximately 10-15 minutes had passed, a marked patrol car arrived and parked behind the unmarked police vehicle. Two officers exited the car, identified through investigation as PO Craig Jacob and PO Shannon Jackson. § 87(2)(b) recognized PO Jacob from a prior incident and said something along the lines of, "Hey, how are you doing Officer Jacob?" However, PO Jacob and PO Jackson did not say anything and stood a few feet away. PO Ehrenreich frisked § 87(2)(b).

§ 87(2)(b) on his front and back pants pockets. While the occupants were outside against the bumper with their backs turned, the vehicle was searched. § 87(2)(b) believed PO Ehrenreich and PO 3 searched the front and back seats. § 87(2)(b) did not mention being frisked or the car being searched in any other statement he provided. § 87(2)(b) indicated that the officers never told them or showed them anything found in the vehicle upon searching it. § 87(2)(b) again asked why they were stopped. He told the officers that they must have siblings or children out there and they would not want them to be treated like this. PO Ehrenreich then told § 87(2)(b) to shut up. § 87(2)(b) replied, "I'm not your son. Don't talk to me like that." PO Ehrenreich then grabbed § 87(2)(b) by his shirt and ripped it. During his interview, § 87(2)(b) provided his ripped shirt, which was photographed at the CCRB (Enc. 12). § 87(2)(b) said, "You ripped my shirt." PO Ehrenreich replied, "That's because you don't know how to shut up." In his phone statement, § 87(2)(b) alleged that the officers told him to "shut his fucking mouth" but did not mention this in his initial complaint or in his official statement. PO Ehrenreich turned him around and handcuffed him. § 87(2)(b) was then placed face-first against the back passenger side of the car. § 87(2)(b) was handcuffed for approximately 10-15 minutes before being released with a § 87(2)(b) summons. The bottom of the summons with the officer's information was torn off. PO Ehrenreich told § 87(2)(b) "no hard feelings" and left the location. § 87(2)(b) assumed that § 87(2)(b) was searched since he was arrested for reasons unknown to him but did not see the search. § 87(2)(b) was unsure exactly when § 87(2)(b) was under arrest and placed in handcuffs. § 87(2)(b) stated § 87(2)(b) was placed inside the marked patrol car. § 87(2)(b) believed that the reason the officers gave for pulling them over was a broken taillight or an illegal u-turn.

## **Results of Investigation**

### **Civilian Statements**

§ 87(2)(b) a 6' 2, 240 pound, § 87(2)(b) year-old Black male § 87(2)(b), provided an official statement to the CCRB on June 20, 2007 (Enc. 14-18).

On June 3, 2007, at approximately 12:30 AM, § 87(2)(b) was driving his burgundy Pontiac sedan around 142<sup>nd</sup> Street. § 87(2)(b) was in the front passenger seat while § 87(2)(b) and § 87(2)(b) were in the back seats. A dark-colored unmarked police car flashed its lights to pull § 87(2)(b) over. § 87(2)(b) pulled over immediately on Lenox Avenue. § 87(2)(b) stated that prior to being pulled over, a taxi cab almost hit his car, causing him to swerve. The police parked directly behind § 87(2)(b)'s car. Four plainclothes officers exited the unmarked car. The officers did not have their shields visible. When the officers approached the car, their body language indicated that of "looking for trouble." PO 1, described as a Black male, shorter than 6' 2, over 200 pounds, identified through investigation as PO Thorn, approached the driver side. PO 2 was a Hispanic female, while PO 3 and PO 4 were White males. § 87(2)(b) gave PO Thorn his license and registration before he was even asked. PO Thorn took the paperwork and asked § 87(2)(b) to exit the car. At this time, the occupants were asked to exit the car as well. All occupants were placed at the rear bumper of § 87(2)(b)'s car with their backs to the car. Everyone's identification was requested and no one hesitated to provide it. While outside, PO Thorn frisked § 87(2)(b) on his pockets. All of the occupants were frisked, but § 87(2)(b) did not see if anyone was searched. Approximately five minutes after they were stopped, two to four uniformed officers arrived. They were all light-skinned and stood a few feet away. § 87(2)(b) did not remember if § 87(2)(b) spoke with any of the uniformed officers. PO 3 and PO 4 searched the car. They searched the front and back seats but § 87(2)(b) was unsure if they opened the glove compartment. § 87(2)(b) assumed the armrest area was searched because cigarettes he had inside the armrest were broken. § 87(2)(b) politely asked the officers why they were stopped. One officer told § 87(2)(b) to "shut up." § 87(2)(b) replied that he was not his son and he should not speak to him like that. § 87(2)(b) asked an officer how he would feel if one of his kids was stopped and treated like this. The officer responded that he did not have kids. After still being inquisitive, § 87(2)(b) was pushed by the officer. Two officers then grabbed § 87(2)(b) in his shoulder area and ripped his shirt. § 87(2)(b) did not physically resist in any way. § 87(2)(b) was turned around and handcuffed against the car. § 87(2)(b) asked one of the white plainclothes officers for his shield number. He received no response. § 87(2)(b) was handcuffed and arrested for unknown reasons. § 87(2)(b) did not recall whether § 87(2)(b) was arrested before or after § 87(2)(b) was handcuffed. After some minutes passed, § 87(2)(b) was released with a summons. The officers took § 87(2)(b) and left the location. The officers told § 87(2)(b) that he was stopped because he swerved. § 87(2)(b) indicated that the cab that almost hit him was the only thing that could have caused the police to pull him over. § 87(2)(b) stated that they had one or two drinks before going out but no one was intoxicated.

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b) year-old black male, provided a phone statement to the CCRB on July 10, 2007 (Enc. 19). § 87(2)(b) was asked to provide an official statement, but missed his scheduled appointment. Several attempts were made to reach § 87(2)(b) via telephone, but he did not contact the CCRB.

On June 3, 2007, at approximately 12:30 AM, § 87(2)(b) stated that an unmarked police car flashed its lights to pull the car he was a passenger in over. § 87(2)(b) pulled over at 139th Street and Lenox Avenue. A marked police car also arrived at this time. Both police cars parked behind § 87(2)(b)'s car. Three plainclothes officers exited the unmarked car and two uniformed officers exited the marked car. PO 1 was a Black male, bald, and slim. PO 2 was a Hispanic female and PO 3 was a Hispanic male. PO 4 and PO 5 were both uniformed white males. PO 1 was the main officer and had a "smart mouth," talking rudely to them. When the officers approached the car they asked for everyone's identification and for them to exit the car. All identifications were taken back to the patrol car and checked for warrants. While outside the car, all four males were frisked. § 87(2)(b) stated that the warrant checks were clean except for possibly § 87(2)(b) who was later arrested for an unknown reason. While they were outside, § 87(2)(b) believed that PO 3 searched the vehicle. § 87(2)(b) opened the trunk for the officers at some point. § 87(2)(b) was asking PO 1 why they were pulled over and were being treated like this. PO 1 did not give any answers. § 87(2)(b) then asked PO 2, "What if this was your brother being pulled over?" PO 1 then pushed § 87(2)(b) against the car and handcuffed him. During this process, PO 1 ripped § 87(2)(b) shirt. § 87(2)(b) was placed on the side of the car for a few minutes before being released. During that time, § 87(2)(b) was placed under arrest and taken into the marked police car. § 87(2)(b) did not recall § 87(2)(b) receiving a summons after he was released from the handcuffs. After the officers took § 87(2)(b) and released § 87(2)(b) they left the location.

§ 87(2)(b)

§ 87(2)(b), a § 87(2)(b) year-old, 5'4" tall, 115 pound, black male, provided a phone statement to the CCRB on September 28, 2007. § 87(2)(b) did not wish to provide an official statement to the CCRB (Enc. 20).

§ 87(2)(b) confirmed he was the fourth passenger in § 87(2)(b)'s car on the night of the incident. § 87(2)(b) stated that their car was stopped by four or five plainclothes officers, who were driving a green Pathfinder, while they were on their way to a club. There were also two uniformed officers, one male and one female. The officers told them that § 87(2)(b) was driving "crazy." § 87(2)(b) indicated that § 87(2)(b) had two Heineken beers and one shot of Hennessy before driving the car. The officers took the other three occupants out of the car first, while § 87(2)(b) sat in the car for a few moments. § 87(2)(b) was then taken out of the car. All individuals were searched and their identifications were checked. During the search of § 87(2)(b) the officers found about four small bags of marijuana on him. § 87(2)(b) was handcuffed and taken back to the precinct in the Pathfinder. § 87(2)(b) had his shirt ripped and was thrown against the car to be handcuffed. § 87(2)(b) could not describe any of the officers in detail. No one else was arrested besides § 87(2)(b).

### Officer Identification

PO Ehrenreich was identified from § 87(2)(b)'s arrest report (Enc. 27-28) as the arresting officer. PO Thorn was identified from the roll call as PO Ehrenreich's partner. Lt. Odea was identified during PO Thorn's interview as a responding unit, and worked with PO Bruno and PO Dress. § 87(2)(b) identified PO Jacob by name from a prior interaction. PO Jackson was identified as PO Jacob's partner from the roll call.

### Officers Not Interviewed

Lt. Thomas O'Neill, who was assigned to Anti-crime with PO Thorn and PO Ehrenreich, was not interviewed for this case. When he was contacted by the CCRB, Lt. O'Neill indicated that he ended his tour early on the incident date and did not conduct the vehicle stop with PO Ehrenreich and PO Thorn (Enc. 45-46). Lt. O'Neill's memo book confirms that he ended his tour at 11:30 PM on June 2, 2007. PO Jackson was also not interviewed because she resigned in July, 2007.

## Officer Statements

### PO Aaron Thorn

*PO Aaron Thorn, a § 87(2)(b) year-old, 6'2" tall, 205 pound, Black male officer, was interviewed at the CCRB on December 6, 2007 (Enc. 23-24).*

PO Thorn worked from 5:30 PM on June 2, 2007 to 2:05 AM on June 3, 2007. He worked with PO Ehrenreich and they were assigned to Anti-crime. Both officers were dressed in plainclothes and used an unmarked car. PO Thorn's memo book indicated that on June 3, 2007, at 1:16 AM, there was one individual under arrest by PO Ehrenreich § 87(2)(b).

On June 3, 2007, at approximately 1:00 AM, PO Thorn and PO Ehrenreich were patrolling on Lenox Avenue when they noticed a vehicle moving at a high speed and driving erratically. PO Thorn explained that the driver of the car was switching lanes frequently without signaling. The officers pulled the car over by flashing their lights. The car pulled over immediately. PO Thorn and PO Ehrenreich each approached the passenger and driver side. PO Thorn could not recall which side he approached nor could he recall who requested the driver's paperwork. Both officers noticed that one of the individuals in the back seat was moving around and reaching into his pockets. PO Ehrenreich told the individual to stop moving and asked what he was doing with his hands. There were three or four males inside the vehicle, who were upset about the stop. The officers called for backup which arrived at the location very quickly. PO Thorn recalled that the first unit that arrived was another plainclothes unit, including Lt. Odea. PO Thorn indicated that maybe one or two additional units arrived at the location. Once the backup arrived, the individuals were asked to exit the car. They exited one by one and were placed at the back of their car. All the individuals complied in exiting the car. PO Thorn did not witness anyone's shirt get ripped and did not witness an individual get pushed against the car. PO Thorn indicated that no officers used any profanity towards the individuals. PO Thorn and PO Ehrenreich proceeded to frisk the individuals for safety reasons. PO Thorn could not recall how many or which individuals he frisked, but he did recall that he frisked them from head to toe. PO Thorn indicated that beer was seen in the front area of the car, possibly in the center console area. PO Thorn could not recall how the beer was contained or how much of it there was. PO Thorn also could not recall whether he and PO Ehrenreich noticed the alcohol before or after the individuals exited the car. The car was searched in the front and backseat areas but the trunk was never opened. PO Thorn could not recall who exactly searched the car, saying he could have or possibly the additional units.

One of the individuals was found to have drugs on his person and was subsequently arrested for it. PO Thorn was not involved in the discovery of the drugs and did not see when or how they were observed. PO Thorn did not recall in which car the arrested individual was placed. PO Thorn indicated that either one or two of the individuals may have been issued a summons, most likely for the beer inside the car. The summonses were either issued by PO Ehrenreich or one of the additional officers that arrived. The individuals were then released and allowed to leave. PO Thorn did not recall how the individuals were dressed.

### PO Daniel Ehrenreich

*PO Daniel Ehrenreich, a § 87(2)(b) year-old, 5'10" tall, 220 pound, white male officer, was interviewed at the CCRB on June 10, 2008 (Enc. 29-30).*

PO Ehrenreich worked from 5:30 PM on June 2, 2007, to 2:05 AM on June 3, 2007. He was assigned to Anti-Crime and was working with PO Thorn and Lt. O'Neill. The officers were in plainclothes and assigned to an unmarked vehicle. PO Ehrenreich's memo book indicated that at 1:05 AM, there was a car stop in front of 560 Lenox Avenue. At 1:16 AM, § 87(2)(b) was arrested and at 1:20 AM, PO Ehrenreich returned to the 32<sup>nd</sup> Precinct where he found a counterfeit \$20 bill in § 87(2)(b)'s wallet (Enc. 25-26).

§ 87(2)(b)

On June 3, 2007, at approximately 1:00 AM, PO Ehrenreich and PO Thorn pulled over a vehicle for a traffic infraction. PO Ehrenreich did not recall what the infraction was. PO Thorn was driving the police vehicle. Once the car had been pulled over, PO Thorn approached the driver's side and PO Ehrenreich approached the

passenger side. § 87(2)(b) was sitting in the front passenger seat and § 87(2)(b) was in the rear passenger seat behind § 87(2)(b). There were a total of four passengers inside the vehicle. PO Ehrenreich did not recall if the vehicle's windows were tinted or open. When PO Ehrenreich approached the car, he noticed that § 87(2)(b) was digging into his waistband and had a few bags of cocaine in his hands. PO Ehrenreich knew this was cocaine because of the packaging and the way the substance looked. He also has had experience and training for discerning drugs. PO Ehrenreich ordered § 87(2)(b) to get his hands up but he did not comply. PO Ehrenreich opened the rear passenger door and pulled § 87(2)(b) out of the car by his right arm. PO Ehrenreich handcuffed § 87(2)(b) once he was out of the car and placed him at the rear of the vehicle. After § 87(2)(b) was handcuffed, PO Ehrenreich conducted a quick search of him for any other weapons and contraband. Nothing else was found on § 87(2)(b). PO Thorn was still at the driver's side and PO Ehrenreich did not know if he had requested any of the other passengers' identifications. Additional officers arrived at the location, but PO Ehrenreich did not recall who the officers were. PO Ehrenreich searched the immediate area surrounding the seat in which § 87(2)(b) was sitting. Nothing was found and PO Ehrenreich did not recall noticing any alcoholic beverages inside the car. PO Ehrenreich did not search anywhere else inside the car and was unsure if other officers search the other areas of the car. The other three passengers did exit the car at some point and stood next to § 87(2)(b) at the back of the car. PO Ehrenreich was unsure if any of the other passengers were frisked or searched, as he only searched § 87(2)(b). PO Ehrenreich stated that § 87(2)(b) was irate, yelling and screaming at the other officers. § 87(2)(b) was eventually handcuffed but PO Ehrenreich did not recall by whom. § 87(2)(b) resisted slightly. PO Ehrenreich did not push § 87(2)(b) at any point against the car and never used any profanity against him. At no point did PO Ehrenreich rip § 87(2)(b)'s shirt. § 87(2)(b) was eventually released with a summons § 87(2)(b). PO Ehrenreich did not recall who ordered the summons or who actually issued it. PO Ehrenreich did not recall § 87(2)(b) speaking with another officer who he had previously interacted with. § 87(2)(b) was transported back to the 32<sup>nd</sup> Precinct, but PO Ehrenreich was unsure in which car he was placed. The other three passengers were free to go. The officers were at the location for approximately eleven minutes.

#### **PO Craig Jacob**

*PO Craig Jacob, a § 87(2)(b) year-old, 5'10" tall, 220 pound, white male officer, was interviewed at the CCRB on December 6, 2007 (Enc. 33-34).*

PO Jacob worked from 11:15 PM on June 2, 2007 to 7:50 AM on June 3, 2007. PO Jacob was assigned to patrol sectors DEF and was working with PO Jackson. Both officers were in uniform and were assigned to a marked RMP. PO Jacob did not have any memo book entries regarding this incident (Enc. 31-32).

On June 3, 2007, PO Jacob and PO Jackson noticed a car stop on Lenox Avenue involving a plainclothes unit, including PO Thorn and PO Ehrenreich. PO Jacob and PO Jackson parked their car behind the other police vehicle and exited to observe the stop. PO Jacob and PO Jackson stood approximately eight feet away from where the other officers were. PO Jacob indicated that approximately three or four males were outside of their vehicle, on the side closer to the sidewalk. PO Jacob recalled that when he approached, the individuals were finished being frisked. PO Jacob could not recall which officers frisked the individuals. PO Jacob also noticed that the car was searched in the immediate area around the front seats. PO Jacob did not recall which officers searched the car or if they searched anywhere else. One of the individuals told PO Jacob that he knew him from a prior interaction. PO Jacob did not recognize the individual at first. PO Jackson then recalled that PO Jacob had arrested the individual on a previous occasion and PO Jacob then remembered. A black and white license photo of § 87(2)(b) was shown to PO Jacob at this point of the interview. PO Jacob could not tell if § 87(2)(b) was the individual from the incident or not. PO Jacob indicated that was the only interaction the individual had with him and he did not speak with any of the other individuals. PO Jacob indicated that the individual who recognized him was acting cocky and arrogant, joking around about the entire car stop. However, PO Jacob could not recall what exactly the individual said. PO Jacob did not know the reason for the car stop. PO Jacob witnessed that one individual was arrested for reasons unknown to him. PO Jacob did not know if any other individual was issued a summons. PO Jacob and PO Jackson stayed at the location for approximately 5-10 minutes.

#### **Lt. Joseph Odea, PO Joseph Bruno, and PO Robert Dress**

Lt. Joseph Odea, a § 87(2)(b) year-old, 5'11" tall, 203 pound, white male officer, was interviewed at the CCRB on April 22, 2008. PO Robert Dress, a § 87(2)(b) year-old, 5'9" tall, 168 pound, white male officer, was interviewed at the CCRB on January 30, 2008. PO Joseph Bruno, a § 87(2)(b) year-old, 5'9" tall, 185 pound, white male officer, was interviewed at the CCRB on January 30, 2008 (Enc. 37-38, 39-40, 43-44).

Lt. Odea, PO Bruno, and PO Dress worked from 8:00 PM on June 2, 2007 to 4:35 AM on June 3, 2007. Lt. Odea was assigned as the special projects supervisor and was part of the Conditions team along with PO Bruno and PO Dress. All officers were in plainclothes and they were assigned to an unmarked police car, RMP § 87(2)(b). None of the officers had any memo book entries regarding this incident (Enc. 35-36, 41-42).

On June 3, 2007, at approximately 1:00 AM, Lt. Odea, PO Bruno, and PO Dress responded to the location to back up another unit which had stopped a vehicle. When they arrived at the scene, approximately three or four individuals who were occupants of the vehicle were standing outside. No officers saw any individual frisked or searched nor did they witness any officer search the car. The officers were unaware of the reason why the car was stopped. PO Bruno issued one of the individuals, § 87(2)(b) a summons § 87(2)(b). The officers did not recall if any other units responded to the location. The officers did not witness anyone use profanity towards the occupants of the vehicle and did not witness any officer ripping someone's shirt. The officers also did not witness any other officer push an individual against the car at any point. The officers did not recall if any other individual was arrested. Lt. Odea, PO Bruno, and PO Dress were at the location for approximately three or four minutes.

### **Police Documentation**

The **command log** (Enc. 47) noted that § 87(2)(b) was brought to the precinct at 1:20 AM for § 87(2)(b).

The **32<sup>nd</sup> Precinct roll call** (Enc. 48-55) noted that PO Ehrenreich and PO Thorn were assigned to Anti-Crime on the incident date. Also, the roll call lists Lt. Odea, PO Bruno, and PO Dress assigned to Conditions, and PO Jacob and PO Jackson assigned to sector patrol.

The **stop, question, and frisk log** (Enc. 56) did not note any of the individuals involved in the car stop, nor was PO Thorn or PO Ehrenreich listed.

### **Civilian and Officer CCRB History**

§ 87(2)(b) has one other open case with the CCRB, § 87(2)(b). PO Ehrenreich has no substantiated allegations in his 4 years with the NYPD (Enc. 3). PO Thorn has no substantiated allegations in his 14 years with the NYPD (Enc. 4a-4b).

### **Criminal Conviction History**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Criminal Case**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Disposition of Summons**

§ 87(2)(b) was issued summons# § 87(2)(b). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

## **Conclusions and Recommendations**

### **Identification of Subject Officers**

§ 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) all alleged that there were more than two officers who conducted the car stop. § 87(2)(b) #, § 87(2)(b), and § 87(2)(b) alleged that one of those officers was a Hispanic female. However, PO Ehrenreich and PO Thorn stated that it was only they who stopped the vehicle. Only one other officer, Lt. O'Neill, was assigned to their Anti-Crime unit, but he had ended his tour earlier that evening. According to the roll call and the officers' memo books, there were no females assigned to the plainclothes units (Conditions or Anti-Crime) around the time of incident. From the officers' statements, the following units responded to the location: Anti-Crime (PO Ehrenreich and PO Thorn), Conditions (Lt. Odea, PO Bruno, and PO Dress), and one patrol sector (PO Jacob and PO Jackson). § 87(2)(g)

§ 87(2)(g) § 87(2)(b) alleged that he was frisked and had his shirt ripped by a white male officer, 5' 11" tall, with short dark blonde hair, and about 170-185 pounds. PO Ehrenreich is a white male officer, 5' 10" tall, weighing 220 pounds, and has brown hair, although he was bald at the time of his interview. § 87(2)(g)

§ 87(2)(b) § 87(2)(b) alleged that he was frisked by a black male, shorter than 6' 2", and over 200 pounds. PO Thorn fits this description, as he is a black male, 6' 2" tall, and 205 pounds. § 87(2)(g)

### Undisputed Facts

It is undisputed that PO Ehrenreich and PO Thorn stopped the vehicle in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants. It is undisputed that all individuals were frisked after they exited the vehicle. It is also undisputed that PO Ehrenreich and PO Thorn searched areas of the vehicle. It is undisputed that § 87(2)(b) was arrested and § 87(2)(b) was issued a summons.

### Disputed Facts

§ 87(2)(b), § 87(2)(g)

### Assessment of Evidence

§ 87(2)(b) and § 87(2)(b) alleged that officers pulled their vehicle over without a plausible reason. However, § 87(2)(b) admitted that everyone had one to two beers before getting into the car. Also, § 87(2)(b) mentioned that while he was driving, a taxi almost hit him, causing him to swerve the car. PO Thorn stated that § 87(2)(b) was driving at a high speed and frequently changing lanes without signaling. PO Ehrenreich stated that the vehicle was stopped for a traffic infraction but could not recall specifically what infraction was committed. According to Vehicle and Traffic Law cited in Kamins New York Search in Seizure (Enc. 2a-2j), an officer can administer a car stop for driving at a high speed and also for erratic driving. However, Kamins New York Search and Seizure also notes that "erratic driving" must be supported by some other fact such as making sudden or dangerous stops while driving. In this case, PO Thorn stated that § 87(2)(b) was changing lanes very frequently without signaling, in addition to driving at a high speed.

§ 87(2)(b) and § 87(2)(b) alleged that they were frisked by PO Ehrenreich and PO Thorn, respectively. PO Ehrenreich stated that he only searched § 87(2)(b) after seeing the drugs on him in plain view and § 87(2)(b) was placed in handcuffs. PO Ehrenreich did not frisk any other individual. PO Thorn stated that he and PO Ehrenreich frisked all four individuals, but did not recall specifically which ones. PO Thorn indicated that they were frisked for safety precautions. PO Jacob also stated that he witnessed the individuals being frisked when he arrived at the location, but did not recall which officers were conducting the frisks. Based on PO Ehrenreich's statement, upon his approach to the car, he immediately noticed § 87(2)(b) fidgeting and not complying with his orders. PO Ehrenreich then noticed the drugs in his hands and pulled him out of the car. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that officers searched the inside of the car, including the front and back seats. PO Ehrenreich stated he searched an area of the car. After placing § 87(2)(b) under arrest § 87(2)(b), PO Ehrenreich searched the immediate area in the back passenger seat where § 87(2)(b) was sitting. PO Ehrenreich was unsure if any other officer searched other areas of the car. PO Thorn admitted that the car was searched in the front and back seats, but was unsure if he participated in the search. PO Jacob also indicated that he witnessed the immediate area around the front seats was searched, but could not recall by whom. According to NYS Penal Law 220.25 (Enc. 1d), the presence of a controlled substance in an automobile is presumptive evidence of knowing possession thereof by every individual in the vehicle when the substance is found. § 87(2)(g)

PO Ehrenreich stated that the drugs were not concealed and were in plain view as § 87(2)(b) attempted to hide them from the officers. § 87(2)(g)



§ 87(2)(b) alleged that PO Ehrenreich grabbed him by the shirt and in the process, ripped his shirt. § 87(2)(b), § 87(2)(b), and § 87(2)(b) all alleged that § 87(2)(b) was first pushed against the car and then had his shirt ripped. PO Ehrenreich stated that no one was ever pushed against the car or had his shirt ripped. All other officers never witnessed an individual get pushed against the car and have his shirt ripped during the incident. All of the officers indicated that one of the individuals, § 87(2)(b) was very upset and was yelling at them. One of the officers eventually handcuffed § 87(2)(b) and issued him a summons § 87(2)(b).

§ 87(2)(b), § 87(2)(g), § 87(2)(b), § 87(2)(b), and § 87(2)(b) all mentioned that they were pulled over by more than two officers, including a Hispanic female. However, PO Ehrenreich and PO Thorn both stated that they conducted the stop on their own. The other responding units consisted of three plainclothes officers, all white males, and two uniformed officers, one white male and one white female. § 87(2)(b), § 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(g), § 87(2)(b), § 87(2)(b), and § 87(2)(b) alleged that § 87(2)(b) was pushed during the incident. However, § 87(2)(b) never alleged this. § 87(2)(b) alleged in his phone statement that an officer said, "You don't know how to shut your fucking mouth." However, § 87(2)(b) did not allege profanity in his initial complaint or during his CCRB interview.

**Allegation A: PO Daniel Ehrenreich stopped the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.**

**Allegation B: PO Aaron Thorn stopped the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.**

§ 87(2)(b) and § 87(2)(b) alleged that their vehicle was pulled over by PO Ehrenreich and PO Thorn for no justifiable reason. The officers told § 87(2)(b) that § 87(2)(b) performed an illegal U-turn or had a broken tail light, prompting the vehicle stop. The officers told § 87(2)(b) that he was pulled over because he swerved, which he admitted doing. PO Thorn explained that § 87(2)(b) was driving at a high speed as well as changing lanes frequently without signaling. § 87(2)(g)

**Allegation C: PO Daniel Ehrenreich frisked § 87(2)(b).**

**Allegation D: PO Aaron Thorn frisked § 87(2)(b).**

§ 87(2)(b) alleged that after he exited the car, he was frisked about his pockets by PO Ehrenreich. § 87(2)(b) alleged that PO Thorn frisked his pockets after he exited the car. PO Ehrenreich stated that he only searched § 87(2)(b) after he was placed under arrest. He did not frisk any other individuals. PO Thorn stated that he and PO Ehrenreich frisked the four individuals after they exited the car for safety precautions. PO Jacob also stated that he witnessed the four individuals being frisked when he and his partner arrived at the location. § 87(2)(g), § 87(2)(b), § 87(2)(g)

**Allegation E: PO Daniel Ehrenreich searched the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.**

**Allegation F: PO Aaron Thorn searched the car in which § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were occupants.**

§ 87(2)(b) and § 87(2)(b) alleged that after they were frisked, the vehicle was searched in the front and back seat areas. PO Ehrenreich stated that he only searched the immediate area surrounding where § 87(2)(b) was sitting in the back seat. He did not search anywhere else. PO Thorn indicated that the areas surrounding the front and the back seats were searched as well, but was unsure if he actually conducted the search. PO Jacob witnessed the vehicle being searched as well, in the immediate area surrounding the front seats. § 87(2)(g)

**Allegation G: PO Daniel Ehrenreich damaged § 87(2)(b)'s property.**

§ 87(2)(b) alleged that prior to being handcuffed, PO Ehrenreich grabbed him by the shirt and ripped it. § 87(2)(b), § 87(2)(b), and § 87(2)(b) all indicated that § 87(2)(b) was pushed against the car and then had his shirt ripped. PO Ehrenreich stated that no one was ever pushed against the car or had his shirt ripped. All other officers never witnessed an individual get pushed against the car or have his shirt ripped during the incident. Several officers indicated that § 87(2)(b) was yelling and screaming, as well as acting upset about the stop. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: